IN THE UNITED	STATES DE	STRICT COOK! U.S. DISTRICT COOK!
FOR THE COLUTIN	EDM DICTRI	AUGUSTA DIV.
FOR THE SOUTH	EKN DISTRI	2021 MAR 30 P 3: 15
AUG	USTA DIVIS	
ANTHONY DAVILA,)	OLERAS DIS AUF GA.
)	
Petitioner,)	
)	CV 120 170
V.)	CV 120-179
)	(Formerly CR 109-060)
JNITED STATES OF AMERICA,)	
)	
Respondent.)	

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Court **OVERRULES** the objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, and therefore **DENIES** Petitioner's motion filed pursuant to 28 U.S.C. § 2255.

ORDER

Further, a federal prisoner must obtain a certificate of appealability ("COA") before appealing the denial of his motion to vacate. This Court "must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a) to the Rules Governing Section 2255 Proceedings. This Court should grant a COA only if the prisoner makes a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, and in consideration of the standards enunciated in Slack v. McDaniel, 529 U.S. 473, 482-84 (2000), Petitioner has

failed to make the requisite showing. Accordingly, the Court **DENIES** a COA in this case.¹ Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Accordingly, Petitioner is not entitled to appeal in forma pauperis. See 28 U.S.C. § 1915(a)(3).

Upon the foregoing, the Court CLOSES this civil action and DIRECTS the Clerk to enter final judgment in favor of Respondent.

SO ORDERED this 30 day of March, 2021, at Augusta, Georgia.

UNITED STATES DISTRICT JUDGE

^{1&}quot;If the court denies a certificate, a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a) to the Rules Governing Section 2255 Proceedings.